

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

BURT WENZEL, #S-08275,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO. 11-cv-260-JPG
)	
LEE RYKER, <i>et al.</i>,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

GILBERT, District Judge:

This matter is before the Court for case management. Plaintiff was notified on November 2, 2011 (Doc. 28), that if he failed to move to voluntarily dismiss his claims in Count B, for cruel and unusual punishment by Defendants Wendy, Longsdon and Vaughn; in Count C, for violation of his due process rights and for retaliation by Defendant John Doe, Chief Administrative Officer of Pontiac; in Count D, for cruel and unusual punishment by Defendant Lemke; and, finally, in Count E, for failure to protect by Defendant John Doe Pontiac Grievance Officer, each of those claims would be severed into a new action and new filing fees would be assessed.

Plaintiff was given 45 days, until December 19, 2011, to file a motion for voluntary dismissal, so as to avoid severance and the imposition of an additional filing fee. On November 28, 2011 (Doc. 31), Plaintiff filed a memorandum stating that he wished the court to sever the claims and did not request dismissal of any claim. Thus, the Court will proceed to sever those

claims into new actions. Plaintiff also submitted two Proposed “Amended Severed Complaints” on which the Court will reserve ruling at this time.

IT IS HEREBY ORDERED that Plaintiff’s Eighth Amendment claims in Count B are **SEVERED** into a new case. That new case shall be: Claims against **DEFENDANTS Wendy, Longsdon and Vaughn** for cruel and unusual punishment.

IT IS FURTHER ORDERED that Plaintiff’s Due Process and retaliation claims in Count C are **SEVERED** into a new case. That new case shall be: Claims against **DEFENDANT JOHN DOE, CHIEF ADMINISTRATIVE OFFICER OF PONTIAC** for violation of due process rights.

IT IS FURTHER ORDERED that Plaintiff’s Eighth Amendment claim in Count D is **SEVERED** into a new case. That new case shall be: Claim against **DEFENDANT LEMKE** for cruel and unusual punishment.

IT IS FURTHER ORDERED that Plaintiff’s Failure to Protect claim in Count E are **SEVERED** into a new case. That new case shall be: Claim against **DEFENDANT John Doe Pontiac Grievance Officer** for failure to protect Plaintiff.

Each new case **SHALL BE ASSIGNED** to the undersigned District Judge for further proceedings. In each new case, the Clerk is **DIRECTED** to file the following documents:

- (1) This Memorandum and Order;
- (2) The Second Amended Complaint (Doc. 25) and accompanying Exhibits;
- (3) The Memorandum and Order regarding severance (Doc. 28).

IT IS FURTHER ORDERED that the only claims remaining in this original action (No. 11-cv-260) are against **DEFENDANTS RYKER and JOHN DOE, Chief Administrative**

Officer of Lawrence, for violating Plaintiff's Eighth Amendment rights. This case shall now be captioned as: **WENZEL, #S-08275, Plaintiff, vs. RYKER, and JOHN DOE, Chief Administrative Officer of Lawrence, Defendants.**

IT IS FURTHER ORDERED that **DEFENDANTS WENDY, LONGSDON, VAUGHN, JOHN DOE, Chief Administrative Officer of Pontiac, LEMKE and JOHN DOE, Pontiac Grievance Officer** shall be **TERMINATED** from this case.

A filing fee shall be assessed in each of the four new cases.

IT IS SO ORDERED.

DATED: January 19, 2012

s/J. Phil Gilbert
United States District Judge